

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 5193	DATE	7/22/2004
CASE TITLE	TREVOR VICKEY vs. ASSET ACCEPTANCE, LLC., et al		

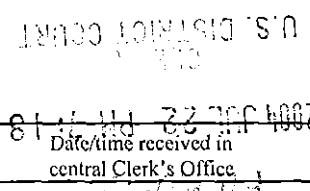
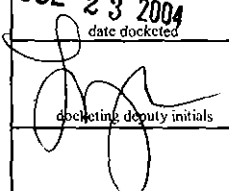
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

MEMORANDUM OPINION AND ORDER

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion And Order. Defendant Asset Acceptance's motion for summary judgment as to count IV is granted.
- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.		number of notices	Document Number 91
No notices required.		JUL 23 2004 date docketed	
Notices mailed by judge's staff.		 docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
<input checked="" type="checkbox"/> Mail AO 450 form.			
Copy to judge/magistrate judge.			
LG	courtroom deputy's initials		

TREVOR VICKEY,

Plaintiff,

vs.

ASSET ACCEPTANCE, LLC; and

MC MAHAN & SIGUNICK, LTD.,

Defendants.

DOUGHERTY
JUL 23 2004


documentation and does not understand the coding used by the credit services. The documents that he relied on in reaching his conclusions have not been offered into evidence or disclosed to the court. Asset Acceptance claims that it asked the major credit reporters to delete plaintiff's account; Le Febvre acknowledges that he cannot tell whether or not this was done. While he states that a number of dates appear in plaintiff's credit reports, there is nothing to indicate in what documents these dates are located or what they are intended to refer to. Plaintiff also produces nothing to contradict Asset Acceptance's argument that it was asked by Experion to report the date that the account was assigned, rather than the date of original delinquency. In the absence of any documentation showing that defendants actually reported incorrect dates or information to the credit agencies, plaintiff fails to create an issue of material fact as to count IV.

Finally, there is no indication that the dates used by Asset Acceptance had any effect on the attempt to collect plaintiff's debt. While statutory damages may be awarded even in the absence of actual harm to the plaintiff (*see Bartlett v. Heibl*, 128 F.3d 497, 499 (7th Cir. 1997)), there must be some indication that the defendant actually violated the statute by using a misrepresentation in connection with the collection of a debt. There is no indication that any "re-aging" affected the plaintiff's rights in any way.

CONCLUSION

For the foregoing reasons, defendant Asset Acceptance's motion for summary judgment as to count IV is granted.

July 22, 2004.


JAMES B. MORAN
Senior Judge, U. S. District Court